

**House Energy and Commerce Committee  
Subcommittee on Oversight and Investigations Hearing:  
“Thoroughbred Horse Racing Jockeys and Workers: Examining On-  
Track Injury Insurance and Other Health and Welfare Issues”  
November 17, 2005**

**Testimony Submitted by Mr. Darrell Haire**

Mr. Chairman and Members of the Committee:

I'm Darrell Haire, and I'm the National Member Representative of the Jockeys' Guild. Before going to work for the Guild, I was an active rider for 15 years.

First of all, I would like to thank the Committee for inviting me to testify and to thank you for conducting these hearings. Your willingness to take a hard look at our industry, including uncovering mismanagement at the Guild, has been eye opening—to say the least. The letters that you have sent to federal agencies asking them to look into establishing health and safety standards for jockeys have been circulated to every jockeys' room in this country.

I can't tell you how much it means to the jockeys around the country that the United States Congress has shown such an interest in our welfare. Today, I am here to give you four concrete steps that we need to help us.

A jockeys' life is hard and the job is very, very dangerous. Except for the top jockeys, the pay is not great. The average jockey makes about \$35,000 a year. Why do we do it? Plain and simple, because we love the sport and we are professional athletes dedicated to our craft.

Of the thousand or so active riders around the country, every year some of us will be killed or will be made quadriplegics. You met Gary Birzer last month, but in just the last two weeks, Mike Lapannese died as a result of an on-track accident at Suffolk Downs. And in the last two years, jockeys Michael Rowland and Christopher Quinn died as a result of injuries sustained at the track and, in addition to Gary Birzer, jockey Shannon Campbell and Remi Gunn sustained injuries so severe that they were left quadriplegics. Many more jockeys, like Gary Boulanger, Rick Wilson, Myra Truitt, Jim Burns, Ron Warren, and Tony D'Amico have suffered severe or career ending injuries in just the last several years. While we understand and accept the dangers that we face on the job, what we can't understand is why, in an industry so wealthy, we do not enjoy the same basic protections that virtually every other worker in this country—including almost all professional athletes—have enjoyed for the last 100 years.

Except in four states—California, New York, Maryland and New Jersey--jockeys are not covered by workers' compensation insurance. If we are injured, we must somehow get by with a mere \$100,000 in medical coverage at many tracks and, at some

tracks, a million dollars in coverage. One track, Mt. Pleasant Meadows in Michigan, provides no on-track accident coverage at all and jockeys are required to waive all rights as a condition of working. What coverage exists is not guaranteed and can be cut off at any time. Such coverage is plainly inadequate. Workers' compensation provides lifetime medical coverage for a work-related injury, indemnity benefits if you are permanently disabled, and temporary wage replacement while you are recovering from your injuries.

Whatever else you can say, our little union cannot afford to shoulder the burden of inevitable on-track injuries, the cost of health care for our families, and providing for the permanently disabled. It is breaking the back of the Jockeys' Guild. It is simply an impossible burden for us to bear.

We need your help desperately. We need you to make the horseracing industry accept the burden that all other industries shoulder and require that every state, not just the far thinking states that have already stepped up to the plate, to provide workers' compensation coverage for jockeys and exercise riders. This can be accomplished by amending the Interstate Horseracing Act to require that, as a condition of broadcasting a signal, workers' compensation coverage must be in place.

The California Supreme Court granted workers' compensation coverage to jockeys in 1941 and the Commonwealth of Kentucky is just considering requiring such coverage now. However, the horseracing industry in Kentucky wants the jockeys to help pay for their own workers' compensation coverage. This violates the basic principle of workers' compensation law: that workers' give up the right to sue for their injuries in order to receive coverage in a no fault, no cost system. We put up our lives, they need to put up the cost of the premium. Four states out of 38 racing states require workers' compensation coverage and that must change.

Secondly, we need Congress to amend the Interstate Horseracing Act to include jockeys in the provisions that the racing signal cannot be broadcast unless the horsemen have in place agreements to compensate them for their media rights. Jockeys' were simply left out of this requirement when the law was passed and it is critical that we, as professional athletes, are given the same rights as all of the other elements of the industry. We deserve to have a revenue stream that fairly and adequately compensates us for the value of our image and the talent that we bring to horseracing.

Third, we need national health and safety standards for jockeys. This means uniform standards for appropriate jockey minimum weights, track conditions, and emergency response. The California tracks, owners, and trainers as well as the California Horse Racing Board are working cooperatively with us to study jockey health with an aim of coming up with weight standards that don't require jockeys to do terrible things to their bodies to make weight. As you know, every day in this country jockeys make themselves vomit, sit in sweatboxes for hours, and take diuretics to lose weight. Just last Saturday, Chris Herrel, a 31 year old jockey riding at Churchill Downs in Kentucky, died suddenly after a history of engaging in extreme--but all too common--

weight reduction practices. He is not the only one. Six months ago, 21 year old jockey Emmanuel Sanchez, who was riding at Colonial Downs in Virginia, died suddenly in similar circumstances.

One far-thinking state, like California, cannot do it alone or it will create an unfair competitive balance between racing states. The weight standards in this country need to be medically sound, not arbitrarily based on the body size of jockeys in the middle of the 19<sup>th</sup> century. Every day across this country, our members get on horses dizzy, sick, hungry, and dehydrated because of what they do to themselves. Surely, together we can come up with a national standard for weight that is safe for us and won't hurt the horses.

The same is true for track conditions and emergency response. Today, there are still places in this country that lack properly equipped ambulances and trained personnel who can administer advanced life support to downed jockeys. Precious minutes are allowed to pass before jockeys receive appropriate emergency medical treatment. It can be the difference between life and death.

With regard to track conditions, there is no reason why there should not be national minimum standards for track safety rails, safety reins, or other safety equipment established through the OSHA system. It is ironic that the kitchens and heat plant and parking lot are covered by uniform OSHA standards, but the race track itself, is not.

Fourth, the National Labor Relations Act needs to be amended to give us real collective bargaining rights. Not only is horseracing in general exempted from the NLRA, but as an organization of so-called "independent contractors", we have no bargaining rights. We have no means of collectively negotiating our rights or compensation, while the rest of the industry collectively negotiates purse agreements and other agreements that affect us. We cannot even get together lawfully to call the regulators or protest unsafe track conditions. This isn't right.

Mr. Chairman, jockeys, tracks, and horsemen need to be working together for the betterment of our industry. Our members love this sport and have dedicated their lives to it. We believe that, if we all put our heads together, we can solve or mutual problems for the betterment of the sport.

Mr. Chairman, that concludes my opening statement. I am available to answer any questions you might have.